

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,

Plaintiff,

v.

LEISNOI, INC., KONIAG, INC., and
GALE A. NORTON, Secretary of the
Interior,

Defendants.

Case No.: 3:02-cv-290

**OMAR STRATMAN'S SECOND MOTION TO SET A DEADLINE FOR ACTION BY THE
U.S. DEPARTMENT OF THE INTERIOR OR, IN THE ALTERNATIVE, TO RESCIND THE
ORDER STAYING THESE PROCEEDINGS**

I. Motion presented.

This Court has previously entered an order (Docket 34) staying these proceedings pending a final determination of the underlying dispute by the U.S. Department of Interior. We ask that this Court enter an order establishing a deadline by which the new Secretary of Interior, whoever that may ultimately be, must act to discharge his/her duties and determine the issues before him/her, or, in the alternative, we seek an order from this Court lifting and rescinding its prior stay of these proceedings so that we can move forward with the remedy phase of this litigation.

II. Discussion.

Our first motion seeking this relief was filed June 13, 2005 (Docket 63). We incorporate its attachment by reference. That motion was denied (Docket 75). We continue to contend that justice delayed is justice denied. We point out that the Secretary has had this matter before her for nearly three-and-one-half years.¹

We have done what we have been asked to do, and we have proceeded in accordance

¹Leisnoi's petition to Secretary Norton from the earlier adverse IBLA decision is dated 12/27/02.

with this Court's orders. We have been patient. But, as the Court can see from the attached letter of March 31, 2006, from Mr. Keep to Mr. Mothershead, not only has the Department of Interior failed to discharge its obligations in a timely way, the current changing of the guard leaves every probability that this matter will not be determined for months or years to come.

We respectfully suggest that the handling of this case by Interior is a travesty as it relates to Mr. Stratman's interests (and Leisnoi's interests, for that matter . . .). We ask that the Court intervene by setting a deadline for Secretarial action (we suggest 60 days from the date hereof). Alternatively we ask the Court to lift its stay so that we can get on with the remedy phase of the litigation.

III. Conclusion.

For the reasons set forth above, we pray that the Court enter the order we request herein.

RESPECTFULLY submitted this 5th day of April, 2006.

s/Michael J. Schneider
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CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2006,
a copy of the foregoing **OMAR STRATMAN'S
SECOND MOTION TO SET A DEADLINE FOR
ACTION BY THE U.S. DEPARTMENT OF THE
INTERIOR OR, IN THE ALTERNATIVE, TO
RESCIND THE ORDER STAYING THESE PROCEEDINGS**
was served electronically on Bruce M. Landon
and via U.S. Mail on

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STRATMAN V. LEISNOI ET AL.

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s/Michael J. Schneider

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